CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE EIGHT HUNDRED AND FIFTY-THIRD PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 June 2000, at 10.15 a.m.

President: Mr. Jean Lint (Belgium)

The PRESIDENT (translated from French): I declare open the 853rd plenary meeting of the Conference on Disarmament.

I have on my list of speakers for today the representative of Indonesia, Ambassador Wirajuda, to whom I now give the floor.

Mr. WIRAJUDA (Indonesia): Mr. President, may I first of all express my delegation's pleasure at seeing you assume the presidency of the Conference on Disarmament. I am confident that your leadership will ensure that our efforts are rewarded with a tangible and fruitful outcome, and I would like to assure you of my delegation's fullest cooperation in assisting you in your task. My delegation would also like to convey its high appreciation to your predecessor, Ambassador Sergei Martynov of Belarus, and also to previous Presidents, for their untiring efforts and the exemplary manner in which they have presided over our deliberations during their respective tenures.

Many people say that we are now living in a world full of uncertainty. My delegation, and I for that matter, actually had no intention of taking the floor at this juncture, given the state of uncertainty in which the Conference finds itself. Nevertheless, as I am about to relinquish my post as head of the Indonesian delegation to the Conference on Disarmament, after only about one and half years in the position, I find myself compelled by the pressure of circumstances to do so, yet with the very same feeling of uncertainty. I will not deliver a long and substantive speech, since I am bound by the unwritten rule of the "one-year, one-page" farewell statement, but since this is the first and the last time that I am taking the floor in the plenary, I assume that I am entitled to depart from that rule. And for this, please bear with me if I overstep the limit.

I shall leave Geneva, and in particular the Conference on Disarmament, with somewhat mixed feelings. Since my arrival in Geneva and my joining the Conference, this body has not really been able to move forward in its substantive deliberations. Although this is not unprecedented, I still feel sorry about it. As I have remarked jokingly to some colleagues, however, I also feel relaxed as a result, because this situation has made my job easier and my life more enjoyable, not least by giving me the pleasure of seeing Geneva and its beautiful surroundings.

As was the case also in the days of my predecessor, for the last few years our delegation has been rather quiet. It is not because we do not want to take part in the deliberations and certainly not because we do not want to make a contribution. It is simply because the general atmosphere in the Conference on Disarmament is not conducive to encouraging members to come up with new ideas, even though they might be formulated creatively, realistically and pragmatically. Previous presidents and coordinators have tried to promote possible solutions for breaking the continuing stalemate with their logical and rational proposals to gain consensus, so far without reaching any agreement. At a time when goodwill is still a distant wish and flexibility an empty concept, we are not sure that our contribution would make much difference at this stage. (At this moment, it seems that any proposals launched will not fly, or else will be

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shot down instantly, although not with missiles.) I am afraid that if the current situation in the Conference remains as it is, it will likely kill every new idea and also any creative thinking. Therefore, for my delegation, perhaps it would be appropriate to say that, at this stage, "silence is golden" or at least, "silence is better".

In retrospect, the Conference on Disarmament has not established any ad hoc committees to initiate negotiations on any specific issue since 1997. What is evident is that a lack of consensus is paralysing its work. Consequently, its credibility and even the need for its continued existence are being questioned by some observers. The Conference is certainly not on the brink of decline, however, but is rather undergoing a period of reorientation while adjusting to the often conflicting interests of its members, such as defining multilateral approaches to arms control and disarmament and, more specifically, the role of the non-nuclear-weapon States. Indeed, the Conference is both a dialogue and a negotiating forum, and this unique feature must be fully acknowledged so that its potential can be fully exploited. Such a body should take into account a redefinition of existing politico-military, as well as technological and economic, orders in such a way as to create a more equitable international system. To sum up, a radical transformation of the relationships between all actors, the nuclear haves as well as the have-nots, is essential.

Allow me now, Mr. President, to make brief reference to some of the achievements made in other international disarmament forums. I remember that, prior to the convening of the last NPT Review Conference, many, if not the majority of its parties, were pessimistic about the possible outcome of the meeting, since until the last preparatory meeting its parties had even failed to agree on the draft final text of the Conference. During the deliberations and negotiations it became quite clear, however, that all the States parties had one and the same goal, which was to achieve tangible and positive results for the Conference through a realistic and pragmatic approach. It is my hope that the Conference on Disarmament can learn a useful lesson and draw on the example of the NPT experience so that its significant outcome can be reflected in this Conference.

Although I shall be leaving this important body early next week, it nevertheless seems likely that my next assignment will continue to deal with multilateral diplomacy and, therefore, I will still be able to follow the work of this Conference closely. Indeed, there is a distinct possibility that in the future I shall have the opportunity to be back in this Conference in a different capacity, and, let us hope, also under different and more conducive circumstances, in which the Conference on Disarmament will have resolved its procedural deliberations and embarked on its mandated tasks to negotiate a general and complete disarmament.

Finally, Mr. President, I would like also to take this opportunity to express my gratitude and appreciation to Mr. Vladimir Petrovsky, Secretary-General of the Conference and Personal Representative of the Secretary-General of the United Nations, and to his able deputy, Mr. Abdelkader Bensmail, as well as to the members of the secretariat for their valuable cooperation with me and my delegation during my tenure. Last but not least, permit me also to

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thank all our colleagues, and particularly those in the Group of 21, for their most helpful cooperation and support when I took up the coordinatorship of the Group in 1999. It is my hope and my conviction that the current impasse will not last long and that, soon, the Conference will be able to start its substantive work.

I would like, if I may, to conclude by quoting Oscar Arias Sanchez, who said in 1987:

> "The world today is divided between those who live in fear of being destroyed in nuclear war, and those who are dying day by day in wars fought with conventional weapons. This terror of the final war is so great that it has spread the most frightening insensibility towards the arms race and the use of non-nuclear weapons. We need most urgently - our intelligence requires us, our pity enjoins us - to struggle with equal intensity to ensure that neither Hiroshima nor Vietnam is repeated."

It is also worth remembering the earlier words of Philip Noel-Baker, who said in 1959:

> "In the age when the atom has been split, the moon encircled, diseases conquered, is disarmament so difficult a matter that it must remain a distant dream? To answer 'Yes' is to despair for the future of mankind."

I do hope that such words will inspire us as to the direction that our work should take in this Assembly, so that the Conference may soon embark without delay on its substantive work. I wish all of you the very best in applying your utmost efforts to this end.

The PRESIDENT (translated from French): I thank the representative of Indonesia for his statement and for the kind words addressed to the Chair. I am certain that you will all wish to join me in extending to him, and to his family, our very best wishes in his future work. Are there any other delegations wishing to take the floor at this stage? As this does not appear to be the case, I would like to convey to you my conclusions regarding my mandate as President.

As you know, since taking office, I have undertaken, through consultations, to ascertain the positions of all delegations and to assess the chances of success of possible compromise solutions.

Some delegations expressed to me their firm view that the process of launching the work of the Conference on Disarmament must, if it is to succeed, include the consensus elaboration of a programme of work which takes account of the interests and the priorities of all members of the Conference. This requirement was restated during presidential consultations and plenary meetings.

In any case, everyone stressed the urgent need to find a solution to the paralysis of the Conference before the end of the second session of our work, otherwise a second consecutive year will have passed without our being able to reach agreement on a programme of work.

(The President)

In the very first week of my presidency, together with dedicated, discreet, dynamic and competent colleagues, whom I thank here, I produced a proposal which could form the basis for a compromise for the two items on the programme of work which were pending, namely, nuclear disarmament and the prevention of an arms race in outer space.

I would like to read out the essential elements of this proposal in its original form, in English, which I distributed to all delegations at the end of the first week of my presidency, and this in the form of an informal Chairman's draft of the programme of work for the 2000 session of the Conference on Disarmament. These elements read as follows:

(continued in English)

"1. Prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices

"The Conference on Disarmament decides to establish, under agenda item 1, an Ad Hoc Committee to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

"2. Nuclear disarmament

"The Conference on Disarmament decides to establish, under agenda item 1, an Ad Hoc Committee/Ad Hoc Working Group to deal with nuclear disarmament, through an exchange of information and views on practical steps for progressive and systematic efforts to attain this objective.

"3. Prevention of an arms race in outer space

"The Conference on Disarmament decides to establish, under agenda item 3, an Ad Hoc Committee/Ad Hoc Working Group to examine and identify specific topics or proposals that might be a basis for subsequent in-depth consideration, which could include confidence-building or transparency measures, general principles, treaty commitments and the elaboration of a regime capable of preventing an arms race in outer space."

(continued in French)

The text of the mandate in paragraph 1, on fissile material, is not open to argument, but I have tried to develop a balanced compromise for the mandates of the subsidiary groups on nuclear disarmament and on the prevention of an arms race in outer space.

(The President)

For nuclear disarmament, the proposed mechanism left the choice open for either an ad hoc committee or a working group. I note that certain delegations expressed their preference for a working group. Nevertheless, I have left the choice of mechanism open, as what matters here is the level of mandate rather than the mechanism.

By comparison with earlier proposals, I used terms which seemed to me to be acceptable to the Conference, that is, that the mandate of the subsidiary group would be "to deal with nuclear disarmament".

Since some felt that the definition of the mandate was too vague, I limited it to an exchange of information and views on practical steps for progressive and systematic efforts to attain this objective.

I believe that we need only strike the right balance in establishing the link between dealing with nuclear disarmament and exchanging views and information to be able to achieve a compromise on this subject.

Nevertheless, as everything is in everything, the compromise on the issue of nuclear disarmament went via a compromise on the issue of preventing an arms race in outer space. In my proposal, the choice of mechanism between an ad hoc committee and a working group was left open. Certain delegations expressed their preference for a balance between the mechanisms for the two issues still pending.

As for the mandate, I took up the elements of a proposal which had been made last year, namely, that the mandate should be to consider and to identify specific topics and proposals which could serve as the basis for a close examination, covering, inter alia, confidence-building measures and transparency, general principles, commitments under treaties and the elaboration of a regime capable of preventing an arms race in outer space.

To me, this draft seemed to take account of the wishes of certain delegations with regard to possible negotiations on the issue, and also took into consideration the awareness that, for others, the issue was not yet ripe for the real negotiation of a legal instrument. Had a compromise been reached, which unfortunately was not the case, the programme would also have included the following items, which had been taken up by some of my predecessors:

"4. Negative security assurances

"The Conference on Disarmament decides to establish, under agenda item 4, an Ad Hoc Committee to negotiate with a view to reaching an agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

(The President)

"5. Anti-personnel landmines

"The Conference on Disarmament decides to appoint a Special Coordinator, under agenda item 6, to seek the views of its members on the most appropriate way to deal with the questions related to anti-personnel landmines taking account, inter alia, of developments outside the Conference.

"6. Transparency in armaments

"The Conference on Disarmament decides to appoint a Special Coordinator, under agenda item 7, to seek the views of its members on the most appropriate way to deal with the questions related to this item.

"7. Conference on Disarmament

"The Conference on Disarmament decides to appoint Special Coordinators on the review of its agenda, the expansion of its membership and its improved and effective functioning."

As an eminent colleague, who is still among us today, said in 1995: To exert pressure it may be useful to link questions which are interrelated, but if we insist on one link for too long, we will inevitably become deadlocked, because this link triggers others and, whenever an agreement is about to be reached, new elements appear in addition to those that were there before.

During the four weeks of my presidency I have tried to reconcile the different positions on the two pending items. I believe that I have taken steps in the right direction, but lack of time and political circumstances have prevented me from completing my job. It remains for me now to pass the baton on to my colleague and friend from Brazil, Ambassador Amorim, whom I wish to assure of my support.

Before closing my presidency, I would like to thank the coordinators of the groups, the Ambassador of China, the Ambassador of New Zealand, the Ambassador of Pakistan and the Ambassador of Ukraine, for their cooperation.

I would also like to express my gratitude to Mr. Petrovsky, Mr. Bensmail and Mr. Zaleski for their wise counsel, as well as to the interpreters and to the members of the secretariat for their competence and their willingness to help.

I now give the floor to the representative of Germany, Ambassador Seibert.

Mr. SEIBERT (Germany): Mr. President, may I first congratulate you and commend you on the way you have conducted the business of this Conference and thank you and your predecessor for all the efforts undertaken to reach agreement on the two outstanding issues before this Conference. I would also like to welcome warmly our new colleagues in this

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Conference, the distinguished Ambassadors of Chile and Hungary. I look forward to cooperating closely with them. Fresh ideas from new colleagues are most welcome in this forum. I also would like to take this opportunity to bid farewell to our Indonesian colleague. I thank him for his good cooperation and extend my best wishes to him and wish him success and good luck.

I want to thank you in particular for the proposal you have just outlined to the Conference. It constitutes a delicate balance, an honest and skilful attempt to take into account diverging interests. My delegation can fully support your proposal. It has been deeply disappointing to learn that even on this basis, you have not been able to obtain a consensus on the two outstanding issues. If these issues are still unresolved, it is certainly not due to a lack of effort or diplomatic skill. If the efforts undertaken by you and your predecessors, four experienced ambassadors, have not led the Conference out of its stalemate, then the reason for this state of affairs must lie deeper and at least partially outside this Conference.

I believe that the time has come, at the conclusion of your presidency, to examine in depth and discuss openly the present state of affairs in this Conference and, in the light of such analysis, to re-examine all options for this Conference to resume constructive work - both in the short and in the long term. One basic fact is generally recognized: there are three major topics to which delegations attach special importance. All delegations are willing to deal with these issues. Owing to differing priorities, however, no agreement has been reached on the procedural framework for dealing with two of these issues, nuclear disarmament and outer space. On the other hand, agreement does exist on how to deal with one of the major items, FMCT, as well as with a number of other items, such as security assurances, transparency, anti-personnel mines and reform issues.

At our 847th plenary meeting, on 23 March 2000, Germany proposed, on behalf of 22 delegations, that the Conference should immediately start substantive work on those items where agreement existed, while continuing intensive consultations to find early agreement on the two outstanding issues. Since the Conference resumed its work after the inter-sessional period I have not reiterated this proposal, because my delegation, like many other delegations, had high hopes that the momentum created by the successful conclusion of the NPT Review Conference would facilitate early agreement on the two outstanding issues and thus lead to a comprehensive solution ending three and a half years of stalemate and allowing the Conference to conduct substantive and continuous work over the years to come.

Six weeks after the conclusion of the NPT Review Conference we must now face up to the fact that these hopes have not been realized. The two outstanding issues remain unresolved. What is even worse, the one major item on which agreement in principle exists, FMCT, has been linked to a solution of the two outstanding issues. Through these linkages the three main items have been tied up into a package and the Conference seems incapable of any activity whatsoever as long as a solution for the whole package has not been found.

This is an untenable situation without precedent in the history of the Conference on Disarmament prior to 1999. Before that, the Conference had always been able to discuss at least

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some of the items of its agenda, to create subsidiary bodies and at the very least to nominate special coordinators. Even during its most productive period, after the end of the cold war, when the Conference was involved in the intensive negotiations of the Chemical Weapons Convention and the Comprehensive Test-Ban Treaty, it still found the time to deal with other items as well and to maintain a continuous discussion of its agenda, its organization and its functioning. Even at the height of the CTBT negotiations, the Conference was able to reach agreement on an important expansion of its membership. After the conclusion of the CTBT negotiations, the Conference was at least able to nominate special coordinators in 1997 and even to establish Ad Hoc Committees in 1998, although it was not possible to commence new and substantive negotiations. Since 1999, however, the Conference has lapsed into a new and dangerous phase of total stalemate. While successive presidents have unsuccessfully concentrated their efforts on the two outstanding issues, practically all other activities have come to a halt.

I believe that it must be our top priority at this juncture to end this stagnation as soon as possible. We must not repeat the exercise of 1999 if we want to maintain the relevance of this institution as the sole multilateral negotiating forum on disarmament in the future. Since we are apparently not able to deal immediately with the most important and at the same time with the most difficult subjects, then let us at least deal, as a first step, with the less contentious issues on which general agreement already exists, such as the appointment of special coordinators. This would in no way diminish the priority attached by delegations to the three main issues. On the contrary, it could contribute to creating a new working spirit in this Conference and thereby support the continuing efforts to reach a solution to the two outstanding issues.

It has been stated repeatedly that the reasons for the present deadlock lie outside this Conference, that they are due to recent developments in the global security situation, and that these problems cannot be solved within this Conference. There is some truth in this assertion as far as the three main issues are concerned. But it is certainly not true with regard to the other items on which agreement already exists. There are no reasons outside this Conference to justify the present total inactivity. The reasons for this can only be found within the Conference itself. The complete stagnation we have witnessed since 1999 is a clear sign that this Conference is not working as it should. Neither can the reasons for this situation be found in our rules of procedure because these rules have not changed in the last few years. It should be obvious to everyone that under these circumstances there is an urgent need for an open-minded discussion on how we can improve the way the Conference is functioning in practice and how we can return to more sensible working methods.

Let me mention just one example of the current malfunctioning of the Conference. The role of special coordinators is to assist the Conference in achieving consensus on specific items. This is clearly stated in the decision contained in document CD/1036. Previous discussions have shown that this document contains many ambiguities, but on this point, at least, it is completely clear and unambiguous. The current situation in the Conference is exactly the opposite, however. The appointment of special coordinators has been made dependent on a consensus on the most difficult issues before the Conference. This is obviously an absurdity that will continue to block any activity if we do not manage to break out of this vicious circle.

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Let me now return to the three main issues before us. It is well known that my delegation attaches the highest importance to the immediate commencement of FMCT negotiations. This does not mean that we attach less priority than other delegations to other items such as nuclear disarmament. On the contrary, nuclear disarmament has always been and continues to be a top priority of the German Government in the field of disarmament. But we do feel that, at this point in time, the successful negotiation of an FMCT would be the most immediate and the most practical contribution that the Conference on Disarmament can make towards nuclear disarmament. All other items under consideration in this Conference have simply not yet reached the stage where agreement exists on a precise negotiating mandate. This applies also to the subject of outer space. We fully support the establishment of a subsidiary body to discuss all aspects of this broad issue and to address the serious security concerns of certain States. Such a debate would, we hope, lead to the identification of specific areas where this Conference can undertake fruitful negotiations. To insist, however, on the adoption of a negotiating mandate even before such a discussion has taken place, would be putting the cart before the horse.

Let me make one thing clear: we do not believe that the scope of multilateral disarmament negotiations is limited only to FMCT. Even if FMCT negotiations were to start tomorrow, we would still insist on continuous efforts to identify other issues ripe for negotiation in this Conference, including new developments and new areas of concern not yet reflected in our agenda. If we are to be realistic, however, we must admit that FMCT negotiations will not start tomorrow, as long as some delegations create a linkage to the outstanding issues. We have repeatedly warned against linkages of this kind. We have pointed out, again and again, that they would lead exactly to the deadlock in which we currently find ourselves. As long as the rule of consensus governs all our procedures, however, there is not very much we can do about this situation. We are not aware that comparable linkages have been made with the other agreed items, so let us at least decide on those items as soon as possible.

The Conference has already wasted much too much of its time. It is clear that in the eight remaining weeks of this year's session we will not be able to do much substantive work before we start drafting our final report. But let us make an attempt before the end of this part of the session to break the stalemate. This would at least create more favourable conditions for a good start to next year's session, as we could easily reconfirm any decisions taken this year at the very first plenary of the next session.

Let me make it quite clear that, in our view, any such decisions should in no way detract from the efforts to reach an agreement as soon as possible on the two outstanding issues. On the contrary, I believe that these efforts should be intensified. We have full confidence in your successor, in his diplomatic skills and in his long-standing experience in Conference on Disarmament matters. But the means and the time available to a President are very limited. That is why we believe that we should consider how this Conference could best support the efforts of its President. We are willing to consider all possibilities.

Mr. President, I willingly concede that the proposal I have just put forward in my national capacity is of limited scope. It could, however, be a practical way to break our present stalemate. Obviously, I would welcome it if the Conference could act on this proposal as soon as possible.

(Mr. Seibert, Germany)

If any delegations have serious objections or if they have better proposals, I would very much like to hear them and to have an open discussion of all conceivable options for this Conference. We have had very little open debate in this Conference since the beginning of last year. It is high time that we should start to engage again in a genuine dialogue.

The PRESIDENT: I thank the representative of Germany for his statement and for the kind words addressed to the Chair. Does any other delegation wish to take the floor at this stage? As that does not appear to be the case, may I inform you that the next plenary meeting of the Conference will be held on Thursday, 6 July 2000, at 10 a.m.

The meeting rose at 10.55 a.m.